

House File 2076 - Introduced

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A BILL FOR

1 An Act prohibiting employers and employment agencies from
2 seeking the criminal record or criminal history from
3 applicants under certain circumstances and providing
4 penalties.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 735.1 Definitions.

2 As used in this chapter:

3 1. "*Criminal record or criminal history*" means information
4 collected or possessed by any criminal justice agency or
5 judicial system in this state or in another jurisdiction,
6 including a federal, military, tribal, or foreign jurisdiction,
7 concerning individuals which information includes identifiable
8 descriptions and notations of arrests, detentions, indictments,
9 or other formal criminal charges, and any disposition arising
10 therefrom, including acquittal, deferred judgment, sentencing,
11 correctional supervision, release, or conviction, and any
12 sentence arising from a verdict or plea of guilty or nolo
13 contendere, including a sentence of incarceration, a suspended
14 sentence, a sentence of probation, or a sentence of conditional
15 discharge.

16 2. "*Employer*" means a person who in this state employs for
17 wages a natural person. "*Employer*" includes an agent of an
18 employer.

19 3. "*Employment agency*" means a person who, with or without
20 compensation, regularly brings together those desiring to
21 employ and those desiring employment. "*Employment agency*"
22 includes an agent of an employment agency.

23 4. "*Interview*" includes an interview conducted in person or
24 by telephone or other means of electronic communication.

25 Sec. 2. NEW SECTION. 735.2 Criminal record or criminal
26 history — inquiry or required disclosure prohibited.

27 Unless otherwise specifically required by law, an employer
28 or employment agency shall not inquire about or require
29 disclosure of the criminal record or criminal history of an
30 applicant for employment until after the applicant has been
31 interviewed, but may do so before an offer of employment is
32 made.

33 Sec. 3. NEW SECTION. 735.3 Penalty — injunctive relief.

34 1. A person who violates section 735.2 commits a scheduled
35 violation under section 805.8C, subsection 12.

2. When a person commits or proposes to commit an act in violation of section 735.2, an injunction may be granted through an action in district court to prohibit the person from continuing such acts. The action for injunctive relief may be brought by an aggrieved person, a county attorney, or the attorney general.

7 Sec. 4. Section 805.8C, Code 2018, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 12. *Criminal record or criminal history*
10 *violations.* For violations of section 735.2, the scheduled fine
11 is five hundred dollars for a first violation, one thousand
12 dollars for a second violation, and two thousand dollars for a
13 third or subsequent violation.

14 EXPLANATION

15 The inclusion of this explanation does not constitute agreement with
16 the explanation's substance by the members of the general assembly.

17 This bill prohibits an employer or employment agency from
18 inquiring about or requiring disclosure of the criminal record
19 or criminal history of an applicant for employment until after
20 the applicant has been interviewed, but permits an employer or
21 employment agency to do so before an offer of employment is
22 made.

23 The penalty for a violation of the bill is a scheduled fine
24 of \$500 for a first violation, \$1,000 for a second violation,
25 and \$2,000 for a third or subsequent violation. Injunctive
26 relief for violations of the bill may be sought by an aggrieved
27 person, a county attorney, or the attorney general. The fine,
28 court costs, and criminal penalty surcharge assessed under the
29 bill are distributed as provided in Code section 602.8108.